

Wetlands Bureau Decision Report

Decisions Taken
07/11/2011 to 07/17/2011

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2005-01976 WKET NOMINEE REALTY TRUST
CHESTER Wilson Brook

Requested Action:

Applicant requests: amend permit and extension request.

Conservation Commission/Staff Comments:

No Comments were submitted by the Chester Conservation Commission.

Inspection Date: 06/14/2006 by Eben M Lewis

APPROVE AMENDMENT:

Dredge and fill a total of 7,105 sq. ft. (reduced from 9,462 sq. ft.) of palustrine forest and emergent wetland to include impacting 120 linear ft. (reduced from 280 linear ft.) of intermittent stream to construct a roadway for an 62 single family residential lots on approximately 219.91 acre parcel of land with approximately 141.83 acres reserved as open space.

With Conditions:

1. All work shall be in accordance with plans by Promised Land Survey, LLC and Long Beach Development Associates, LLC dated December 6, 2010 and revised through 05-11-11, as received by the Department on June 8, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Pease Office in Portsmouth, N.H. to review the conditions of this wetlands permit and the NHDES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, their professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the county Rockingham County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
10. Work shall be done during seasonal no/low flow conditions.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. On 06/20/2006, The previous owner/applicant had been given the approval to dredge and fill a total of 9,462 square feet of palustrine forest and emergent wetland to include impacting 280 linear feet of intermittent stream to construct a roadway for an 80-unit residential condominium units on a 224.3 acre parcel of land. This approval expired on 06/20/2011.
2. On June 8, 2011, DES received a request to amend the permit, name change of ownership and request a waiver for a time extension.
3. This is a major impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under 303.04(n).
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., the impacts are necessary for access to buildable uplands.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03., as the impacts have been minimized from 9,462 square feet on the original application to 7,105 square feet.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
7. DES Staff conducted a field inspection of the proposed project on June 14, 2006. Field inspection determined that the locations of the proposed impacts are accurately reflected on the provided plans.
8. On June 8, 2011 DES received a request to waive Rule Env-Wt 502.01, Duration of Permit, to allow a 1-year time extension of permit 2005-01976, which would expire on 6/20/2011.
9. The reason stated for the request was that the permittee was unable to get full approval for the subdivision. To re-apply would result in economic hardship and construction delays.
10. The wetland impacts requested for the project comply with the current applicable statute and administrative rules.
11. Pursuant to the requirements of Env-Wt 204.04(a)(1)a., DES finds that granting the waiver will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
12. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule.
13. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met. DES finds that strict adherence to the rule being waived would result in severe economic hardship to the current property owner.
14. Based on findings 10-14 above, DES grants the applicant a Waiver to rule Env-Wt 502.01, and extends the permit expiration date to 7/11/2012.

Requested Action:

Applicant requests: amend permit and extension request.

APPROVE TIME EXTENSION:

Dredge and fill a total of 7,105 sq. ft. (reduced from 9,462 sq. ft.) of palustrine forest and emergent wetland to include impacting 120 linear ft. (reduced from 280 linear ft.) of intermittent stream to construct a roadway for an 62 single family residential lots on approximately 219.91 acre parcel of land with approximately 141.83 acres reserved as open space.

With Conditions:

1. All work shall be in accordance with plans by Promised Land Survey, LLC and Long Beach Development Associates, LLC dated December 6, 2010 and revised through 05-11-11, as received by the Department on June 8, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Pease Office in Portsmouth, N.H. to review the conditions of this wetlands permit and the NHDES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the

pre-construction meeting, and the meeting shall be attended by the permittee, their professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #7 of this approval.

9. This permit shall not be effective until it has been recorded with the county Rockingham County Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.

10. Work shall be done during seasonal no/low flow conditions.

11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. On 06/20/2006, The previous owner/applicant had been given the approval to dredge and fill a total of 9,462 square feet of palustrine forest and emergent wetland to include impacting 280 linear feet of intermittent stream to construct a roadway for an 80-unit residential condominium units on a 224.3 acre parcel of land. This approval expired on 06/20/2011.

2. On June 8, 2011, DES received a request to amend the permit, name change of ownership and request a waiver for a time extension.

3. This is a major impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under 303.04(n).

4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01., the impacts are necessary for access to buildable uplands.

5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03., as the impacts have been minimized from 9,462 square feet on the original application to 7,105 square feet.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

7. DES Staff conducted a field inspection of the proposed project on June 14, 2006. Field inspection determined that the locations of the proposed impacts are accurately reflected on the provided plans.

8. On June 8, 2011 DES received a request to waive Rule Env-Wt 502.01, Duration of Permit, to allow a 1-year time extension of permit 2005-01976, which would expire on 6/20/2011.

9. The reason stated for the request was that the permittee was unable to get full approval for the subdivision. To re-apply would result in economic hardship and construction delays.

10. The wetland impacts requested for the project comply with the current applicable statute and administrative rules.

11. Pursuant to the requirements of Env-Wt 204.04(a)(1)a., DES finds that granting the waiver will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.

12. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule.

13. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met. DES finds that strict adherence to the rule being waived would result in severe economic hardship to the

current property owner.

14. Based on findings 10-14 above, DES grants the applicant a Waiver to rule Env-Wt 502.01, and extends the permit expiration date to 7/11/2012.

2010-00764 SUNSET RANCH CAMP INC, ROLAND DURHAM
ORFORD Upper Baker Pond

Requested Action:

Applicant requests reconsideration of the Department's decision to deny the request to rip rap approximately 70 linear feet of shoreline, on Upper Baker Pond, in Orford on the merits of revised plans which have been submitted.

Conservation Commission/Staff Comments:

No comments from Con Com by 06/22/2010

APPROVE RECONSIDERATION:

Stabilize 113 linear feet of shoreline with 226 sq ft of rip rap and plant 226 sq ft of vegetative buffer strip immediately landward of the rip rap, on Upper Baker Pond, in Orford.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting LLC revision dated July 11, 2011, as received by the NH Department of Environmental Services (DES) on July 13, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit does not allow dredging for any purpose.
4. This permit does not allow the removal of any vegetation or trees within the protected shoreland. All existing trees, shrubs, and vegetation shall be left undamaged.
5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be done during drawdown.
8. Work shall be done during low flow.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
10. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
11. Rip-rap shall be located landward of the shoreline at the normal high water, where practical, and shall not extend more than 2 feet lakeward of that line at any point.
12. All impacted areas shall be restored to conditions that existed prior to the installation of rip rap. Photographs of the area shall be submitted to the Department within 30 days of completion of the project.
13. This permit does not allow for equipment to operate on the lakebed or below full lake elevation of 901.
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(1), projects which, when taken in aggregate with previous work on the property within the last 5 years, would be considered major.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application

Evaluation, has been considered in the design of the project.

5. DES Staff conducted a field inspection of the proposed project on several dates.

6. In accordance with RSA 482-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the lacustrine resource, as identified under RSA 482-A:1.

-Send to Governor and Executive Council-

2010-03221 SANDWICH FAIR ASSOC INC
SANDWICH Unnamed Wetland

Requested Action:

Dredge and fill 6,711 square feet of wetland impacts for access to an existing pulling arena at the Sandwich Fairgrounds; restore 4,807 square feet of wetlands that were dredged and filled without a permit; and impact 2,047 square feet of upland area in the prime wetland buffer. Work in jurisdiction will include the installation of two 15 inch culverts.

APPROVE PERMIT:

Dredge and fill 6,711 square feet of wetland impacts for access to an existing pulling arena at the Sandwich Fairgrounds; restore 4,807 square feet of wetlands that were dredged and filled without a permit; and impact 2,047 square feet of upland area in the prime wetland buffer. Work in jurisdiction will include the installation of two 15 inch culverts.

With Conditions:

1. All work shall be in accordance with the plans by Hambrook Land Surveying entitled After The Fact Wetlands Application and Wetlands Restoration Plan dated July 2010 and revised May 31, 2011 as received by DES on June 15, 2011.
2. This permit is contingent upon the restoration of 4,807 square feet of wetlands in accordance with plans by Hambrook Land Surveying entitled After The Fact Wetlands Application and Wetlands Restoration Plan dated July 2010 and revised May 31, 2011 as received by DES on June 15, 2011.
3. Restoration shall be completed by September 30, 2011.
4. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration area is constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
5. The qualified professional shall inspect the restoration areas, and submit an initial monitoring report with photographs to DES within 20 days of the projected restoration compliance date, but in no event shall the initial monitoring report be submitted later than October 15, 2011. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
6. There shall be a ten foot buffer of vegetation on each side of the proposed 30 foot paved access way. The vegetation may be grass.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culverts shall be laid at original grade.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized

within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a major project per Env-Wt 303.02 (f) Projects located in or adjacent to prime wetlands designated under RSA 482-A:15;
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. There will be no direct impacts to the designated prime wetlands.
6. Project revisions reduced the pavement width and shifted the access road ten feet to the west with the intent to reduce indirect impacts to the prime wetland buffer.
7. There is evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.
8. The Natural Heritage Bureau (NHB) commented that although there was a NHB record present in the vicinity, we do not expect that it will be impacted by the proposed project.
9. Effective September 11, 2009, RSA 482-A:11 IV.(a) was amended to require a public hearing only if deemed necessary by the department per RSA 482-A:8.
10. The department has determined that a hearing is not necessary.
11. No comments were submitted from the Conservation Commission.

2011-00545 LILLIAN WAGNER FAMILY TRUST
CLAREMONT Unnamed Wetland

Requested Action:

Dredge and fill 35,594 square feet of palustrine wetlands and an intermittent stream (impacting 155 linear feet) to construct a retail commercial development with three proposed phases. Mitigate wetland impacts by preserving 20.8 acres of upland buffer along Sugar River and Stevens Brook, restoring 8,441 square feet within Stevens Brook by removing an existing 8 foot high dam and associated sediment that impedes aquatic resource passage, and by enhancing 14,640 square feet of buffer adjacent to Stevens Brook and the Sugar River by installing plantings.

Conservation Commission/Staff Comments:

No comments were recieved by the Claremont Conservation Commission.

APPROVE PERMIT:

Dredge and fill 35,594 square feet of palustrine wetlands and an intermittent stream (impacting 155 linear feet) to construct a retail commercial development with three proposed phases. Mitigate wetland impacts by preserving 20.8 acres of upland buffer along Sugar River and Stevens Brook, restoring 8,441 square feet within Stevens Brook by removing an existing 8 foot high dam and associated sediment that impedes aquatic resource passage, and by enhancing 14,640 square feet of buffer adjacent to Stevens Brook and the Sugar River by installing plantings.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering, Inc. dated February 18, 2010, as received by the NH Department of Environmental Services (DES) on March 18, 2011; and in accordance with Stream Restoration Plans by Horizons Engineering, Inc. dated June 2011, as received by DES on June 20, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. In-stream work shall be done during low flow conditions, and in a manner that minimizes the duration of in-stream activities to the maximum extent practicable in order to prevent turbidity from being transported downstream.

6. Proper headwalls shall be constructed within seven days of culvert installation.

7. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau and shall be properly disposed according to all applicable state and federal regulations.

10. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

13. All erosion control blankets used to stabilize slope areas shall contain natural materials such as coconut fiber and shall contain no artificial monofilaments which can entangle snakes.

14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

16. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

RESTORATION CONDITIONS:

17. This permit is contingent upon restoring 8,441 square feet within Stevens Brook by removing an existing 8 foot high dam and associated sediment that impedes aquatic resource passage, and by enhancing 14,640 square feet of buffer adjacent to Stevens Brook and the Sugar River by installing plantings, all in accordance with plans received by DES on March 18, 2011 and June 20, 2011.

18. Prior to removing the dam, the applicant shall submit to DES for review and approval, sediment testing results and a disposal plan in order to confirm that the sediments are considered clean.

19. The schedule for construction of the restoration and enhancement areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.

20. The permittee shall notify DES and the local conservation commission in writing of their intention to commence stream restoration activities no less than 5 business days prior to construction.

21. Stream restoration and enhancement areas shall be properly constructed, planted, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

22. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration and enhancement areas (i.e. dam removal, rock vanes/deflection structures, stone grade control structures, bank and buffer plantings, etc.) are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

23. Prior to construction, the designated qualified professional shall submit to DES, for review and approval, a proposed monitoring plan that details a protocol on how the stream restoration and dam removal will be monitored during and after construction. This should include sediment transport measurements, closely monitoring the grade control structures for stability, and fixed photo stations and cross-sections to document before and after conditions.

24. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration and enhancement areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial

actions shall be undertaken in at least the second and third years following the completion of each restoration and enhancement area.

25. The rock vanes proposed for the outside meander bend of the stream restoration area shall extend approximately 1/3rd of the way into the channel.

26. An additional rock grade control structure shall be installed on the downstream end of the existing plunge pool in order to prevent active stream headcutting.

27. Stream enhancement/planting areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional riparian buffer is replicated in a manner satisfactory to the DES Wetlands Bureau.

28. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the restoration and enhancement areas during construction and during the early stages of vegetative establishment.

PRESERVATION CONDITIONS:

29. This permit is contingent upon the execution of a conservation easement on 20.8 acres of upland buffer along Sugar River and Stevens Brook as depicted on plans received by DES on March 18, 2011.

30. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

31. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

32. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

33. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.

34. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

35. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of DES (including remediation and fines).

With Findings:

1. This project is considered a Major Project in accordance with NH Administrative Rule Env-Wt 303.02(c), as wetland impacts are greater than 20,000 square feet in the aggregate.

2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant proposes to mitigate wetland impacts by preserving 20.8 acres of upland buffer along Sugar River and Stevens Brook, restoring 8,441 square feet within Stevens Brook by removing an existing 8 foot high dam and associated sediment that impedes aquatic resource passage, and by enhancing 14,640 square feet of buffer adjacent to Stevens Brook and the Sugar River by installing plantings.

6. The proposed mitigation plans meets the intent and ratios of the Mitigation Rules of Env-Wt Chapter 800.

7. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine/riparian resource, as identified under RSA 482-A:1.

2011-00903 PEASE DEVELOPMENT AUTHORITY PORTSMOUTH Unnamed Wetland

Requested Action:

Fill a total of 24,396 square feet of freshwater wetland over six locations for the construction of a bicycle/pedestrian path, at an overall length of 1.7 miles and width of 8-10 feet, including the following: Wetland Impact #1: 703 square feet; Wetland Impact #2: 21,654 square feet; Wetland Impact #3: 1,235 square feet; Wetland Impact #4: 145 square feet; Wetland Impact #5: 246 square feet;

Wetland Impact #6: 413 square feet. Approve as Compensatory Mitigation construction of a 6,550 square foot sediment forebay and 44,961 square foot vegetated buffer enhancement for Newfields Ditch, a perennial stream which conveys surface water runoff from the Pease airport runway parking apron to Hodgson Brook.

Conservation Commission/Staff Comments:

Portsmouth Conservation Commission recommends approval of project.

Inspection Date: 06/07/2011 by David A Price

APPROVE PERMIT:

Fill a total of 24,396 square feet of freshwater wetland over six locations for the construction of a bicycle/pedestrian path, at an overall length of 1.7 miles and width of 8-10 feet, including the following: Wetland Impact #1: 703 square feet; Wetland Impact #2: 21,654 square feet; Wetland Impact #3: 1,235 square feet; Wetland Impact #4: 145 square feet; Wetland Impact #5: 246 square feet; Wetland Impact #6: 413 square feet. Approve as Compensatory Mitigation construction of a 6,550 square foot sediment forebay and 44,961 square foot vegetated buffer enhancement for Newfields Ditch, a perennial stream which conveys surface water runoff from the Pease airport runway parking apron to Hodgson Brook.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers, Inc. dated April 2011, as received by the NH Department of Environmental Services (DES) on April 29, 2011.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES Pease Wetlands staff shall be notified in writing prior to commencement of work and upon its completion.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with DES Land Resources Management Program staff at the project site or at the DES Office in Portsmouth, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert work shall be done during low flow.

Wetland Mitigation:

9. This permit is contingent upon the construction of [44,961] + forebay [] square feet of wetlands restoration/enhancement including a sediment forebay and eight areas identified for vegetated buffer enhancement work, in accordance with plan by CMA Engineers, Inc. dated April 2011 and the Newfields Ditch Mitigation Buffer Enhancement Plan by GZA GeoEnvironmental, Inc. dated December 2010, as received by the NH Department of Environmental Services (DES) on April 29, 2011.
10. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
11. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
12. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
13. The permittee shall notify DES, the Portsmouth Conservation Commission, the Portsmouth Environmental Planner, and the Hodgson Brook Watershed Coordinator in writing of their intention to commence construction of the mitigation area no less than 5 business days prior to construction.
14. The permittee or a designee shall conduct monitoring and maintenance of the buffer enhancement in accordance with

Monitoring and Maintenance Program prepared by GZA GeoEnvironmental dated December 2010.

15. Monitoring reports shall be submitted to DES, the Portsmouth Conservation Commission, the Portsmouth Environmental Planner, and the Hodgson Brook Watershed Coordinator within 20 days after construction is completed and by July 15 each year after construction for three years.

16. Buffer Enhancement Areas 1 through 7 shall exhibit 80% survivability of planted shrub species for each area over the course of the monitoring period. Buffer enhancement Area #8 shall maintain a minimum shrub density of one shrub every 5 feet over the course of the monitoring period.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
The bicycle/pedestrian path is needed to provide for improved and safe access for commuters and recreational users at the southern Pease International Tradeport entrance. The path will separate pedestrians and cyclists from heavy vehicular traffic, typically travelling at speeds in excess of 50 mph on NH Route 33.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The permittee explored other alignments for the path, however the alternatives impacted more wetlands of higher value. The proposed alignment is located immediately adjacent to existing roadways impacting wetlands of lower function and value that have previously been impacted for a variety of roadway and utility construction projects.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project. The NH Natural Heritage Bureau ("NHB") reports the presence of the state threatened grasshopper sparrow and the state endangered upland sandpiper in the project vicinity. After review by the NH Fish and Game Nongame and Endangered Species Program, impact to these species is not expected as the project lies outside the Pease airfield where most of the habitat still exists.
5. DES Staff conducted a field inspection of the proposed project on 6/7/2011 and found that the site is accurately represented in the application.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the palustrine resources, as identified under RSA 482-A:1.
7. The Portsmouth Conservation Commission recommends approval of project.
8. The compensatory mitigation approved herein consists of the restoration/enhancement water quality protection actions developed for the restoration of the Newfields Ditch and Hodgson Brook, as identified in the publication Watershed Restoration Plan For Hodgson Brook, Portsmouth, NH, June 2004, as proposed by the Hodgdon Brook Advisory Committee.
9. The proposed bicycle/pedestrian path is not expected to increase runoff as it will be constructed of porous asphalt.

MINOR IMPACT PROJECT

2005-01174 COBBLESTONE DEVELOPMENT CORP
EPSOM Unnamed Wetland

Requested Action:

Request to waive Administrative Rule Env-Wt 502.01 which states "issued permits and completed permit by notifications shall have a duration of 5 years..." and to amend two impact areas.

APPROVE TIME EXTENSION:

Approve time extension and amendment to dredge and fill a total of 8165 square feet of wetlands (approximately 157 total linear ft. of intermittent stream channel), including: impact #1: 410 square feet of wetlands fill, impact #2: 700 square feet and installation of a

3' high(2' open after embedding) x 3' span x 44 ' run naturally embedded box culvert; impact #3: 460 square feet for grading/outlet reconstruction; impact #4: 670 square feet to rip rap outlet; impact #5: 145 square feet for grading; impact #6: 2,480 square feet and installation of a 50' x 18" culvert; impact #7 2,560 square feet and installation of a 50' x 18" culvert; and impact #9 450 square feet and installation of a 20' x 30" culvert for construction of road and driveway access for a 26 lot subdivision on 96.35 acres.

With Conditions:

1. All work shall be in accordance with plans by Joseph M. Wichert, LLS, Inc., dated May 5, 2005 and revised through October 19, 2007, as received by the Department on October 19, 2007, including Construction Sequence and Erosion Control Detail; and in accordance with plans by Robert G. Rook, P.E., sheets CD1 and ECD-1 dated June 13, 2005, and revised through October 7, 2005 and plan sheets P2 and P3 dated April 15, 2005, as received by the Department on August 29, 2005, and plan sheet P-1 dated April 15, 2007, as revised through September 11, 2007 as received by the Department on September 18, 2007 and as revised on plan sheets by Joseph M. Wichert, LLS, Inc., revision date May 27, 2011 and plans by Rokeh Consulting, LLC., dated April 11, 2011, as received by the Department on May 31, 2011 and plan by Joseph M. Wichert, LLS, Inc., sheet 4 of 11 revision date of July 5, 2011 and plan by Rokeh Consulting, LLC., sheet 1 of 1 revision date of July 1, 2011 as received by the Department on July 6, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. Work shall be done during periods of low and non-flow.
9. Native material removed from the streambed during the box culvert installation, shall be stockpiled separately and reused to emulate a natural channel bottom within the work area. Any new materials used to restore the streambed or culvert embedding shall be similar to the natural stream substrate and shall not include angular rip-rap.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.

With Findings:

The Department reaffirms findings 1-5 of our original approval with additional findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate of non-tidal wetlands, and per Rule Env-Wt 303.03(l), projects that alter less than 200 linear feet of intermittent streams.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The crossings proposed are necessary to reach buildable uplands on this property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has confined the crossings to unavoidable and least impacting locations practicable to use the recorded entrance access and to access buildable uplands of the property, and further confined to minimal roadway sideslope grading or outlet protection.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

An NHB hit was noted in DES screening, however no further response was received by NH Fish & Game Department or Natural Heritage Inventory. A Phase One Archaeological Assessment of the property has been conducted in coordination with NH Division of Historic Resources, which did not result in the identification of a sensitive archaeological site or resource. No comment was received from the Epsom Conservation Commission.

5. The impact associated with this project does not require the applicant to provide additional compensatory mitigation to offset the unavoidable impacts, pursuant to Administrative Rule Env-Wt 302.03(c)(2)b.

Additional Finding:

6. The applicant contacted DES in the fall

of 2010 because the permit was close to expiring and they wanted to discuss extending the permit expiration deadline due to the poor economic conditions and Growth Management Ordinance in the Town of Epsom.

7. During the discussion DES suggested that requesting a waiver to the timeframes prescribed by Administrative Rule Env-Wt 502.01 may be appropriate given the economic constraints.

8. Administrative Rule Env-Wt 204.01 provides that waiver to rules are to accommodate those situations where strict adherence to the rules would not be in the best interest of the public or the environment.

9. On October 22, 2010, DES received a request for a waiver pursuant to Env-Wt 204.03.

10. Administrative Rule Env-Wt 204.04(a) provides that a request for a waiver shall be granted if:

(1) Granting the request will not result in:

- a. An adverse effect to the environment or natural resources of the state, public health, or public safety; or
- b. An impact on abutting properties that is more significant than that which would result from complying with the rule; and

(2) One or more of the following conditions is satisfied:

- a. Granting the request is consistent with the intent and purpose of the rule being waived;
- b. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant;

(b) No waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement.

11. Permit 2005-01174 had an expiration date of November 3, 2010.

12. The applicant has indicated that 40% of the 5600 lf of road has been fully completed and paved and 40% has been constructed to subgrade.

13. The department received the final requested information to complete the amendment and time extension request on May 31, 2011 and July 6, 2011.

14. Wetlands impacts have been reduced and a previously approved culvert has been upgraded to a naturally embedded box culvert.

15. The applicant has indicated that only three of the previously approved wetlands impact areas have not been constructed

16. The applicant has requested a 2 to 3-year extension of the existing permit.

17. Compliance with the rule in this case would represent a burden and economic hardship to the applicant.

18. Due to the limited amount of work remaining, the reduction in wetlands impacts, upgraded crossing to a box culvert and the economic hardship faced by the applicant, DES believes that a 3-year time extension is appropriate to allow time for the economy to recover to a point where the applicant can complete the work.

19. The request has been processed through a wavier, however, a recent change to RSA 482-A:3 (Senate Bill 38) will allow for up to a 5-year permit extension for valid permits, effective August 6, 2011.

20. No further time extension will be granted by the DES Wetlands Bureau for this project.

21. Based on findings 6 through 20 DES has granted the waiver request and granted a onetime permit timeframe extension.

2006-02986 S & R HOLDINGS LLC
NEW BOSTON Unnamed Wetland

Requested Action:

Approve name change to: S & R Holdings LLC, 8 Wanda Dr., Nashua NH 03060 per request received 7/14/11. Previous owners: Harvey J. Dupuis Family Trust/Frederick Lorden Revocable Trust.

APPROVE NAME CHANGE:

Dredge and fill 6,900 square feet of palustrine forested wetlands for road access to a 40-lot subdivision on ± 175.40 acres.

Compensatory mitigation includes preserving \pm 97.14 acres of the parcel in conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Cuoco & Cormier Engineering Associates, Inc. sheets D&F-3 and D&F-4 dated November 09, 2006, and revised through June 01, 2007, and sheets C-35 and C-36 dated October 30, 2006, as received by DES on June 08, 2007; and plans dated December 20, 2007, and revised through March 04, 2008, as received by the Department on March 05, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Work shall be done during low flow conditions.
8. In the event stream diversion is necessary at the time of the perennial stream crossing construction, a stream diversion plan shall be submitted to the department prior to construction. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
25. Post-construction photographs documenting the status of the completed perennial stream crossing construction shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.
26. This permit is contingent upon the execution of a conservation easement on 97.14 acres as depicted on plans dated December 20, 2007, and revised through March 04, 2008, as received by the Department on March 05, 2008.
27. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
28. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of

Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

29. Signs to indicate the location of and restrictions on the area shall be posted every one-hundred and fifty (150) feet along the boundary of the conservation area prior to construction.

30. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments/stakes prior to construction.

31. The DES Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

32. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

33. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2009-02625 BENTON, JEREL/SHIRLEY
THORNTON Unnamed Stream

Requested Action:

Dredge and fill 9,570 square feet of wetlands for access to an 18-lot subdivision.

Conservation Commission/Staff Comments:

E-mail recieved November 03, 2009 from the Conservation Commission requesting delay.

Inspection Date: 11/23/2010 by Emily P Lucas

APPROVE PERMIT:

Dredge and fill 9,570 square feet of wetlands for access to an 18-lot subdivision.

With Conditions:

1. All work shall be in accordance with the plans by Duffield Engineering entitled Old Saw Mill Properties United (Sheets 1-3 of 8) dated October 10, 2008 as revised through June 14, 2011 and received by the Department on June 16, 2011 and (Sheets 7-8 of 8) dated October 10, 2009 and received by the Department on January 24, 2011.

2. The applicant shall obtain written permission from the owners of properties located within 20 feet of the proposed impacts waiving the NH Wetlands Bureau requirement of maintaining a 20 foot setback and shall supply copies to DES Wetlands File No. 2009-02625 prior to construction.

3. This permit is contingent on approval by the DES Alteration of Terrain Program.

4. This permit is contingent on approval by the DES Subsurface Systems Bureau.

5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.

7. Work shall be done during low flow.

8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

10. No equipment shall enter the water.

11. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.

12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or

wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.

13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

14. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

15. Culverts shall be laid at original grade.

16. Proper headwalls shall be constructed within seven days of culvert installation.

17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

18. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

21. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f);.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. Two hundred square feet of the impacts are approved after-the-fact. The compliance file for these impacts is 2006-00020.

6. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau or the Conservation Commission.

2010-00721 NH DEPT OF TRANSPORTATION BRENTWOOD Tributary To Exeter River

Requested Action:

Approve emergency culvert replacement and reconstruction of the roadway and remove and restore the downstream channel.

APPROVE PERMIT:

Approve emergency culvert replacement for work previously completed and restore a total of 6130 square feet further described as follows: Restore approximately 3230 square feet of jurisdictional area including about 30 feet of intermittent stream channel flowing from east to west adjacent to the culvert outlet, eliminate the perched situation at the culvert outlet of the main tributary at the culvert outlet under Route 111 and restore 2900 square feet at the confluence of the unnamed stream and the Exeter River

With Conditions:

1. Restoration areas shall be in accordance with plans by DOT Staff Ralph Sanders dated September 9, 2010 as received by the Department on February 16, 2011 and the DES field inspection plans dated May 21, 2010 page 2 of 2.

2. The permittee shall submit a complete restoration plan including the amount of material to be removed, and the depth of material removal for the entirety of the restoration area prior to the start of work.

3. The permittee shall provide plans for the location of the newly constructed stream channel and methods of constructing the stream channel prior to the start of work.

4. The permittee shall submit a complete erosion control plan including they propose to maintain water quality standards for the duration of the proposed restoration project prior to the start of work.

5. The permittee shall submit a planting plan of species for review and approval by DES Wetlands. There shall be no substitutions made for the plant species specified on the approved plan for replanting purposes without prior written approval from DES.
6. The permittee shall submit letters of authorization for working on adjacent properties outside of the existing right of way, prior to the start of work.
7. The restoration shall be done according to the Restoration Plan. Any changes or alterations to the Restoration Plan must be requested in writing and approved by DES in writing prior to implementing any such changes or alterations.
8. All persons involved in restoration activities shall have read and become familiar with the provisions of the Restoration Plan and the permit prior to beginning restoration work.
9. A qualified environmental monitor shall supervise the restoration activities on the Property to ensure that the restoration is accomplished pursuant to permit.
10. Siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. All steps shall be taken during the construction/restoration necessary to ensure that no water quality violations occur.
12. Within three days of achieving final grade in the restoration area or where restoration activities are suspended for more than three days, all soils exposed by restoration activities shall be stabilized.
13. No machinery shall be used within undisturbed DES jurisdictional areas during the restoration.
14. All material removed during restoration activities shall be placed out of DES's jurisdiction.
15. All material removed during restoration activities shall be removed down to the level of the original hydric soils or stream substrate.
16. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) or other invasive species shall not be used in the wetland restoration site.
17. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and glossy buckthorn (*Frangula alnus* Mill.) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.
18. All wetlands restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or the areas shall be replanted until a functional wetland is established to the satisfaction of the DES Wetlands Bureau.
19. The qualified environmental monitor shall inspect the restoration areas, and submit an initial monitoring report with photographs to DES within 14 days of the restoration completion. The initial monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
20. If the culvert at this location fails again the crossing shall be brought into compliance with Env-Wt 900 and all information required within these rules shall be submitted.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on May 21, 2010. Field inspection determined that the outlet of the culvert is a impediment to fish passage and the areas downstream have had significant road fill placed into them. DES requested restoration of the impacted areas to our jurisdiction.

2011-00752 NH DEPT OF TRANSPORTATION
PINKHAMS GRANT Stony Brook

Requested Action:

Install concrete cutoff walls at the inlet and outlet, reconstruct the downstream headwall and reface the wing walls and re-point the upstream headwall and wing walls impacting 694 sq ft. (647 sq. ft. temporary) of riverine wetland.

APPROVE PERMIT:

Install concrete cutoff walls at the inlet and outlet, reconstruct the downstream headwall and reface the wing walls and re-point the upstream headwall and wing walls impacting 694 sq ft. (647 sq. ft. temporary) of riverine wetland. NHDOT project #99073Z.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Maintenance dated 3/2011, as received by the Department on April 12, 2011.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Construction equipment shall not be located within surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
14. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
15. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
16. The impacts associated with the temporary work shall be restored immediately following construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of stream or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2011-00817 BEDFORD WELLNESS REALTY LLC
MANCHESTER

Requested Action:

Proposal to dredge and fill 16,291 sq. ft. of wetlands for additional parking areas for the redevelopment of commercial facility to a

proposed "Workout Club and Wellness Center" Work in wetlands consists of three impact areas for associated filling and grading impacts. Compensatory mitigation for wetlands impact consists of a one time payment of \$74,019.49 dollars into the Aquatic Resource Mitigation (ARM) Fund for the Merrimack River Watershed.

APPROVE PERMIT:

Dredge and fill 16,291 sq. ft. of wetlands for additional parking area for the redevelopment of commercial facility to a proposed "Workout Club and Wellness Center" Work in wetlands consists of three impact areas for associated filling and grading impacts. Compensatory mitigation for wetlands impact consists of a one time payment of \$74,019.49 dollars into the Aquatic Resource Mitigation (ARM) Fund for the Merrimack River Watershed.

With Conditions:

1. All work shall be in accordance with plans by TFM dated March 7, 2011, as received by the NH Department of Environmental Services (DES) on April 19, 2011.
2. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
3. Work shall be done during low flow.
4. There shall be no work in areas under the jurisdiction of the DES Wetlands Bureau that is within 20 feet of an abutting property line unless the applicant receives written agreement from the affected abutter.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

Compensatory Mitigation:

18. This approval is contingent on receipt by DES of a one time payment of \$74,019.49 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed

the criteria of Env-Wt 303.04(f);

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The wetland impacts associated with the existing building were permitted under Wetlands Bureau File #2003-01023. The current proposal will not impact any of the wetlands created for the previous compensatory mitigation.
6. The previous wetlands impact permit expired on August 7, 2008.
7. The applicant provided the department with a copy of a letter, dated April 13, 2011, from the Manchester Conservation Commission to the City Planner with comments regarding concerns with impacts to the natural area with beautiful, large pine trees, important wildlife and the lack of need for the amount of additional parking.
8. The applicant's agent provided the department with a response letter, dated April 14, 2011, discussing that the impervious surfaces for parking is going from 2.4 acres to 1.8 acres reducing it by only 0.6 acres and the forested area being cleared for parking is 1.6 acres with only 0.24% being wetlands. Additionally, the agent has indicated that the proposed parking spaces are to meet the required spaces per square feet of building.
9. The applicant's agent has indicated that they have not received any response to their April 14, 2011 letter.
10. The department did not receive any direct comments from the Manchester Conservation Commission.
11. The department received comments from the United States Environmental Protection Agency ("EPA") indicating the project is eligible for the New Hampshire State Programmatic General Permit ("SPGP").
12. The department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
13. The payment calculated for the proposed wetland/stream loss equals \$74,019.49 dollars.
14. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
15. The payment into the ARM fund shall be deposited in the DES fund for the Merrimack River watershed per RSA 482-A:29.
16. The applicant had withdrawn the pending applications because it was believed the project was not going to move forward.
17. The withdrawal was issued by the Department but immediately following the Department was informed by the applicant that the project was now going to move forward and he would be requesting that the Department continue review of the application.
18. The Department received the request on June 27, 2011.
19. The Department had previously completed the review of the application and it was decided that it was a reasonable request to process the existing application.

2011-01001 163 SPUR ROAD LLC
DOVER Bellamy River

Requested Action:

Impact a total of 2,596 square feet of previously developed upland tidal buffer zone for the removal of an existing garage and impervious driveway and the construction of a new garage and pervious driveway.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the reconstruction of the primary structure that encroaches upon the primary building setback.

APPROVE CSPA WAIVER:

Impact a total of 2,596 square feet of previously developed upland tidal buffer zone for the removal of an existing garage and impervious driveway and the construction of a new garage and pervious driveway.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the reconstruction of the primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by GZA GeoEnvironmental dated May 2011, as received by the NH Department of

Environmental Services (DES) on May 10, 2011.

2. This approval includes a waiver of RSA 483-B:9, II(b) and, therefore, shall not be effective until it has been recorded at the Strafford County Registry of Deeds and a copy of the recorded waiver is sent to DES by certified mail, return receipt requested.
3. No more than 25% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate water.
5. No impacts shall occur to natural ground covers within the water buffer.
6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
7. Temporary work areas shall be regraded to original contours following completion of work.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b) projects that involve work within 50 feet of a saltmarsh that do not meet the criteria of Env-Wt 303.02.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is removing an impervious driveway and constructing a pervious driveway which will improve stormwater management of the property by allowing infiltration and minimizing run-off into the Bellamy River.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c) Requirements for Application Evaluation, has been considered in the design of the project. NH Natural Heritage Bureau review finds no recorded occurrences of sensitive species near this project area.
4. The existing non-conforming structure is located within the 50 ft primary building setback to highest observable tide line and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
5. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
6. The project as proposed would result in the removal of existing garage attached to the non-conforming structure and construction of a new garage 10 feet further landward from the reference line which is more nearly conforming.
7. The applicant is proposing to plant eight native tree species and twenty native shrub species within the waterfront buffer.
8. The Dover Conservation Commission recommends approval of the proposed project.

2011-01562 SANDS, O JACKSON
DUBLIN Unnamed Wetland

Requested Action:

Dredge and fill \pm 3,871 sq ft. of wet meadow for pond construction.

APPROVE PERMIT:

Dredge and fill \pm 3,871 sq ft. of wet meadow for pond construction.

With Conditions:

1. All work shall be in accordance with plans by Monadnock Septic Design, LLC dated December 30, 2010, as received by the Department on June 30, 2011.
2. Appropriate erosion and siltation controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

3. Machinery shall not be located within surface waters, where practicable.
4. Machinery shall be staged and refueled in upland areas.
5. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
7. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e), construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2008-02169 NH FISH & GAME, CHERI PATTERSON
GREENLAND Winnicut River

Requested Action:

Applicant requests amendment of permit to include: Dredge 11,655 sq. ft. of scoured crushed gravel and boulders in three (3) locations and temporarily impact 30,025 sq. ft. upstream from the dam to install temporary water diversion structures and install a dry hydrant.

Conservation Commission/Staff Comments:

NH F&G held a public hearing before the Greenland Conservation Commission on November 10, 2008. After the presentation, the Conservation Commission agreed with the proposal to remove the dam.
The Atlantic States Marine Fisheries Commission is in support of this project.

Inspection Date: 10/15/2008 by Frank D Richardson
Inspection Date: 03/21/2008 by Frank D Richardson
Inspection Date: 06/10/2011 by Eben M Lewis
Inspection Date: 07/12/2011 by Eben M Lewis

APPROVE AMENDMENT:

Amend permit description to include: Dredge 11,655 sq. ft. of scoured crushed gravel and boulders in three (3) locations and temporarily impact 30,025 sq. ft. upstream from the bridge to install temporary water diversion structures, install a dry hydrant, dredge 3,300 sq. ft., fill 2,900 sq. ft. and temporarily impact 35,750 sq. ft. downstream of the bridge within the embankments, flow channel and tidal buffer zone of the Winnicut River for work associated with the removal of the existing dam and fish ladder to restore tidal flows, to enhance estuarine functions and values and construct a fishpass to provide unimpeded access for fish spawning runs in this tidal river.

With Conditions:

1. All work shall be in accordance with plans by Stantec Consulting Services, Inc. and Woodlot Alternatives, Inc. dated 01.27.09

and revised through June 2011, as received by DES on June 15, 2011.

2. Any changes which may be proposed to the scope of work and plans necessary for the proper implementation of the project shall be reviewed and approved by the DES Wetlands Bureau prior to the work being done.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
4. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Field Office in Portsmouth, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
7. Faulty equipment shall be repaired prior to entering jurisdictional areas.
8. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
9. All refueling of equipment shall occur outside of surface waters or wetlands.
10. Erosion, siltation, and turbidity controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the DES jurisdiction shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. The contractor and/or applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. The New Hampshire Fish and Game Department (NHFGD) recommends when any type of coffer dam (Port-A-Dam) is installed or bypass tubes are manipulated that the flow of the river is not interrupted. NHFGD recommends that while installing coffer dams or rewatering an impoundment that 90% of the flow be passed downstream while 10% of the flow is used to rewater the impoundment until spill occurs or a constructed bypass is providing alternate flows for downstream aquatic habitat. Rewatering of the impoundment shall be done during a flood tide so the downstream aquatic habitat is maintained until the impoundment is rewatered or bypass flows are operational as long as flow is restored before ebb tide. At no time shall downstream habitat be without flow whether through a bypass facility or spillage.
14. Dredging in tidal waters is typically only permitted between November 15 and March 15. The current work is operating under an exemption from the standard time-of-year restrictions for dredging in tidal waters for the period between May 1, 2011 and November 14, 2011. The standard time-of-year restrictions for dredging at this site will resume on November 15, 2011; however, due to anadromous fish spawning activity, construction within tidal waters shall not occur after March 1, 2012.
15. Dredged material and demolition debris shall be disposed of outside of areas under the jurisdiction of the DES Wetlands Bureau.
16. The accreted crushed gravel and boulders shall be removed down to the original substrate.
17. Work shall be done during drawdown and/or low flow.
18. Any fill used shall be clean sand, gravel, rock, or other suitable material.
19. The qualified environmental consultant shall inspect the work areas and submit a monitoring report of the completed work within 60-days following the completion of work. The monitoring report shall include, but not be limited to, documentation of erosion control deployment, construction sequencing, restoration activities and status of restoration at time of initial monitoring report. Photographs should depict all stages of restoration sequencing.
20. The permittee shall provide the Wetlands Bureau with an annual report, each year in December, documenting all phases of the project, including photographs to be taken from established photo stations, during the five-year duration of this permit.
21. Invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) shall be controlled by measures agreed upon by the Wetlands Bureau if the species is found in the restoration areas during construction and during the early stages of vegetative establishment.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t)(1) Restoration of altered or degraded wetlands provided the project receives financial support and direct supervision of a New Hampshire state agency, the USEPA, the USACOE,

the USDA NRCS or the USFWS.

2. This dam removal/estuary restoration project has received the support of the Atlantic States Marine Fisheries Commission.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-00615 PSNH
LONDONDERRY Unnamed Wetland

CONFIRM EMERGENCY AUTHORIZATION:

Temporarily impact approximately 1,300 square feet of wet meadow/scrub-shrub wetland to gain access to the utility right-of-way and alleviate a low clearance issue on a 345 kV line.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 304.04(f).
2. The project was necessary to alleviate a low clearance issue on a 345 kV line..
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on March 28, 2011.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2011-01145 HOLLISTER, KATHERINE
NEW CASTLE Upper Tidal Zone / Little Harbor

Requested Action:

Impact a total of 1,353 sq. ft. of previously-developed 100-foot tidal buffer zone to include 915 sq. ft. of permanent impact and 438 sq. ft. of temporary impact for the construction of two (2) new additions, a patio and reconfigure an existing deck of an existing single-family residential dwelling.

Conservation Commission/Staff Comments:

See findings.

APPROVE PERMIT:

Impact a total of 1,353 sq. ft. of previously-developed 100-foot tidal buffer zone to include 915 sq. ft. of permanent impact and 438 sq. ft. of temporary impact for the construction of two (2) new additions, a patio and reconfigure an existing deck of an existing single-family residential dwelling.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated April 2011 and revised through 5/12/11, as received by the NH Department of Environmental Services (DES) on May 23, 2011.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new approval by the Bureau.
3. DES Southeast region staff shall be notified in writing prior to commencement of work and upon its completion.
4. No more than 17.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The New Castle Conservation Commission did not comment on the application.
6. No Federal agencies commented on the application.
7. A memo dated January 3, 2011 (the "Memo") from the NH Natural Heritage Bureau (NHB) identified the state-threatened marsh elder (*Iva frutescens*) in the vicinity of the proposed impacts and stated, "Although the photos provided did indicate the presence of marsh elder on site, it appears that the planned construction all occurs outside of the marsh elder location."
8. In accordance with Env-Wt 304.04(a), the applicant received written concurrence from the abutter whose property is within 20-feet of the proposed impact.

FORESTRY NOTIFICATION

2011-01459 GEORGE, ALAN & MARY MACKILLOP
BROOKFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Brookfield Tax Map 6, Lot# 7

2011-01462 HERTEL, VAN
WASHINGTON Unnamed Stream

COMPLETE NOTIFICATION:
Washington Tax Map 19, Lot# 24

2011-01463 BILL, PETER
HANOVER Unnamed Stream

COMPLETE NOTIFICATION:
Hanover Tax Map 11, Lot# 1

2011-01464 BALLA INC, RALPH
SOUTH ACWORTH Unnamed Stream

COMPLETE NOTIFICATION:
Acworth Tax Map 258, Lot# 17

2011-01465 HEIDEN, ELENA
WINCHESTER Unnamed Stream

COMPLETE NOTIFICATION:
Winchester Tax Map 11, Lot# 9

2011-01466 LANIGAN, ED
GILFORD Unnamed Stream

COMPLETE NOTIFICATION:
Gilford Tax Map 265, Lot# 5

2011-01476 DANNIS, JIM/SANDY
DALTON Unnamed Stream

COMPLETE NOTIFICATION:
Dalton Tax Map 410, Lot# 11

2011-01495 WEBSTER LAND CORP
HOLDERNESS Unnamed Stream

COMPLETE NOTIFICATION:
Holderness Tax Map 208, Lot# 1

2011-01533 REED, CHRIS
CARROLL Unnamed Stream

COMPLETE NOTIFICATION:
Carroll Tax Map 202, Lot# 20

2011-01534 COMEAU, ROBERT
DALTON Unnamed Stream

COMPLETE NOTIFICATION:
Dalton Tax Map 408, Lot# 42

2011-01535 ROWSE, JULIA
HARRISVILLE Unnamed Stream

COMPLETE NOTIFICATION:

Harrisville Tax Map 7, Lot# 20

2011-01537 CHESHIRE, COUNTY OF
WESTMORELAND Unnamed Stream

COMPLETE NOTIFICATION:

Westmoreland Tax Map R9, Lot# 1

2011-01538 MCCULLOUGH, JILL
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:

Canterbury Tax Map 225, Lot# 2

2011-01539 TRAFFIE, LEIF/JESSICA
NEW IPSWICH Unnamed Stream

COMPLETE NOTIFICATION:

New ipswich Tax Map 8, Lot# 49

2011-01572 KELLY, LUKE
PETERBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:

Peterboro Tax Map R6, Lot# 45, 41-200

2011-01574 TASKER, GARY/JANICE
STRAFFORD Unnamed Stream

COMPLETE NOTIFICATION:

Strafford Tax Map 3, Lot# 13

2011-01578 CAMP SENTINEL
TUFTONBORO Unnamed Stream

COMPLETE NOTIFICATION:

Tuftonboro Tax Map 34, Lot# 1

2011-01579 GRANBERY, C. MINOT
NOTTINGHAM Unnamed Stream

COMPLETE NOTIFICATION:

Nottingham Tax Map 31, Lot# 1

2011-01599 LAKEVILLE SHORES INC
FITZWILLIAM Unnamed Stream

COMPLETE NOTIFICATION:
Fitzwilliam Tax Map/Lot# 7/12, 23 & 11/34

2011-01600 AYERS, DANIEL
FITZWILLIAM Unnamed Stream

COMPLETE NOTIFICATION:
Fitzwilliam Tax Map 10, Lot# 55

2011-01603 HEBERLEIN, GARRETT
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Canterbury Tax Map 212, Lot# 16

2011-01607 HACKLER, H LEROY
SWANZEY Unnamed Stream

COMPLETE NOTIFICATION:
Swanzey Tax Map 32, Lot# 20-2

2011-01614 BASS ROOT COACHBARN
PETERBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Peterborough, Tax map R2, lot 40

2011-01615 BASS ROOT COACHBARN
PETERBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Peterboro Tax Map R2, Lot# 8

2011-01616 COUNTRY POND FISH & GAME CLUB INC
NEWTON Unnamed Stream

COMPLETE NOTIFICATION:
Newton Tax Map 5, Lot# 12, 13

2011-01617 KUNHARDT, HENRY
FRANCESTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Franeestown Tax Map 2, Lot# 12

2011-01641 AISTEN, CHRISTOPHER
MONT VERNON Unnamed Stream

COMPLETE NOTIFICATION:
Mont Vernon Tax Map S, Lot# 63

TIME EXTENSION

2006-02733 CALLIORAS, ROBERT
LEE Unnamed Wetland

Requested Action:

Permittee requests waiver of Rule Env-Wt 502.01, Duration of permit, and to receive a 5 year time extension for permit 2006-2733.
Amend permit condition #5 to run with the life of the permit.

Conservation Commission/Staff Comments:
ARM Fund payment received.

Inspection Date: 02/11/2009 by David A Price
Inspection Date: 02/27/2009 by David A Price
Inspection Date: 03/19/2009 by David A Price
Inspection Date: 06/17/2009 by David A Price
Inspection Date: 07/17/2009 by David A Price
Inspection Date: 07/21/2009 by David A Price

APPROVE TIME EXTENSION:

Dredge and fill approximately 15,100 square feet of wetlands on Lee Tax Map 4, Lot 7-2 (referred to as Phase I) and approximately 8,890 square feet of wetlands on Lee Tax Map 4, Lot 7-5 (referred to as Phase II) for the construction of a retail store during Phase I and a service interconnection during Phase II.

Waive Rule Env-Wt 502.01, Duration of Permit, and grant 5-year time extension of permit expiration date to 10/20/2018.

Amend permit condition #5 to run with the life of the permit.

With Conditions:

1. All work shall be in accordance with plans by MHF Design Consultants, Inc. dated November 11, 2005 and 9-8-08, and as received by DES on October 16, 2006 and October 10, 2008.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This approval is contingent on approval by the DES Alteration of Terrain Program.
4. This approval is contingent on receipt by DES of a one time payment of \$64,374.50 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

5. The applicant shall be required to begin construction of the Phase II service inter connection within two years of the completion of the Phase I retail site.
6. The service interconnection shall be designed so that all lots currently fronting on NH Route 125 will have direct access to the service interconnection.
7. Lots identified as Map 4-7-2, Map 4-7-5, and Map 4-6-4 currently have legal access to NH Route 125. No future subdivided portions of these lots will be permitted direct access to NH Route 125.
8. The entire service interconnection and retail site shall be constructed so as to prevent any untreated runoff from entering the wetlands.
9. Salt shall not be used as a deicing agent on the service interconnection or retail site.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. The deed which accompanies the sales transaction for any additional lots along the service interconnection shall contain condition #7 of this approval.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
14. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
15. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the DES Alteration of Terrain Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
16. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
17. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
19. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
20. Silt fencing must be removed once the area is stabilized.
21. Work shall be done during low flow conditions.

With Findings:

1. The permittee will be unable to complete the project before the expiration of the permit, and to re-apply would result in economic hardship and construction delays, and has therefore requested a time extension prior to the expiration of the current permit.
2. The wetland impacts requested for the project comply with the current applicable statute and administrative rules.
3. The amendment to allow condition #5 to run with the life of the permit will allow the permittee time to secure necessary town approvals for construction of the connector road.
4. Pursuant to the requirements of Env-Wt 204.04(a)(1)a., DES finds that granting a waiver to Rule Env-Wt 502.01, Duration of Permit, will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
5. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule.
6. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met. DES finds that strict adherence to the rule being waived would result in severe economic hardship to the property owner.
7. Based on findings 1-6 above, DES approves the amendment to condition #5 and grants the applicant a Waiver to rule Env-Wt 502.01, and extends the permit expiration date to 10/20/2018.

EXPEDITED MINIMUM

2009-01727 MICHEALIS, BRIAN
LACONIA Taylor Brook

Requested Action:

Request to add an additional 15 linear ft. to the bank stabilization/sewer line protection project.

APPROVE AMENDMENT:

Approval to restore and stabilize approximately 400 sq. ft. (approximately 75 linear feet) of eroded stream bank along Taylor Brook to protect an exposed sewer interceptor pipe owned and maintained by the NHDES Winnepesaukee River Basin Program. Work includes restoration with a combination of stone toe with bioengineered slope with the additional placement of natural in-stream fish habitat/structures.

With Conditions:

1. All work shall be in accordance with plans by Turner Group dated May 8, 2009, as received by DES on August 10, 2009 and plan sheets revised through October 7, 2009 and received May 10, 2010 and narratives dated February 22, 2010 as received by DES on May 10, 2010 and narratives by the NHDES Winnepesaukee River Basin Program dated June 10, 2010, as received by DES on June 14, 2010 and as revised by narratives by the NHDES Winnepesaukee River Basin Program dated May 23, 2011 and plan, as received by DES on May 25, 2011 and June 17, 2011 and narrative (e-mail) dated July 5, 2011, as received by DES on July 5, 2011.
2. The NH Certified Wetlands Scientist for the project shall oversee and direct the placement of the proposed fish habitat.
3. The applicant shall submit a follow-up report including pictures of the completed stabilization/restoration, plantings and fish habitat areas.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be done during low flow.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
10. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

DES reaffirms findings 1 through 10 with an additional finding.

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The project would have been considered a minimum impact project per Administrative Rule Env-Wt 303.04(x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet is a repair of an existing slope however, it is not repair "in-kind".
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
4. The work is needed to prevent failure of the sewer line/interceptor.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The proposal includes a combination of stone protection and bioengineered bank stabilization.
7. The New Hampshire Fish and Game Department suggested the proposed fish habitat would be beneficial.
8. The Conservation Commission signed the application.
9. The applicant has received a temporary construction easement.
10. DES has not received any comments in objection to the proposed project.
11. A majority of the additional work is within the previously permitted impact area.

2011-00801 IENI, DAVID
DURHAM Little Bay

Requested Action:

Impact approximately 1,200 square feet of previously developed upland tidal buffer zone to construct a garage and driveway.

APPROVE PERMIT:

Impact approximately 1,200 square feet of previously developed upland tidal buffer zone to construct a garage and driveway.

With Conditions:

1. All work shall be in accordance with revised plans by Jones & Beach Engineers, Inc. and Ray Holmes dated October 12, 2010, as received by the NH Department of Environmental Services (DES) on June 29, 2011.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. This permit is contingent on approval by the DES Shoreland Program.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed upland areas within 100 feet of the highest observable tideline.
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is proposing to construct the new driveway over the existing septic system and has provided documentation stating that the septic system is H-20 loading design.
3. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in project vicinity.
4. The applicant has obtained a shoreland permit #2010-2616 for work with the shoreland zone.
5. The Durham Conservation Commission recommends approval of the project.

2011-01071 PINGREE, WILLIAM
PORTSMOUTH Sagamore Creek

Requested Action:

Impact a total of 1,374 square feet in the developed upland tidal buffer zone for structure construction and associated site work

associated with redevelopment of an existing lot.

APPROVE PERMIT:

Impact a total of 1,374 square feet in the developed upland tidal buffer zone for structure construction and associated site work associated with redevelopment of an existing lot.

With Conditions:

1. All work shall be in accordance with plans by J.A. Davis Associates dated 3/22/2011, as received by the NH Department of Environmental Services (DES) on 6/24/2011.
2. All activities shall be in accordance with Shoreland Permit 2011-1027 for construction, excavation or fill that will occur within the Protected Shoreland.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects within previously developed uplands within 100 feet of the highest observable tide line that do not classify as major or minor per Env-Wt 303.02 or 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Portsmouth Conservation Commission signed the expedited minimum application.

2011-01140 MURITH, ARTHUR
CLAREMONT Unnamed Wetland

Requested Action:

Dredge and fill 1,140 square feet of forested wetlands to install twin 12-inch x 23-foot culverts for access to a proposed self storage expansion.

APPROVE PERMIT:

Dredge and fill 1,140 square feet of forested wetlands to install twin 12-inch x 23-foot culverts for access to a proposed self storage expansion.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks, LLC dated May 02, 2011, as received by the Department on May 20, 2011.
2. Work shall be done during low flow conditions and in the dry.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters

to prevent accidental encroachment on wetlands.

6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

7. Proper headwalls shall be constructed within seven days of culvert installation.

8. Culverts shall be laid at original grade.

9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft.

2. In correspondence dated July 07, 2011, the Claremont Conservation Commission recommended approval of the project.

3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-01348

FALCONER REVOC LIVING TRUST, JAMES

SEABROOK

Requested Action:

Dredge and fill approximately 1,842 sq. ft. of palustrine forested wetland to install a water main and construct a driveway for access to a single-family residential lot on approximately 1.01 acres.

Conservation Commission/Staff Comments:

See file 2001-1056 PBN disqualified

APPROVE PERMIT:

Dredge and fill approximately 1,842 sq. ft. of palustrine forested wetland to install a water main and construct a driveway for access to a single-family residential lot on approximately 1.01 acres.

With Conditions:

1. All work shall be in accordance with the 'Dredge and Fill Plan' by Jones & Beach Engineers, Inc. as received by the NH Department of Environmental Services (DES) on June 17, 2011.

2. DES Wetlands Bureau Southeast region staff shall be notified in writing prior to commencement of work and upon its completion.

3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

4. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

5. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.

6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.

7. Work shall be done during seasonal low flow conditions.

8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

9. No fill shall be done for lot development.

10. No fill shall take place in Atlantic white cedar swamps.

11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

GOLD DREDGE

2011-01681 JENSEN, ROLFE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

TRAILS NOTIFICATION

2011-01530 NH DRED
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1, Lot# 26

2011-01598 NH DRED
SUCCESS Unnamed Stream

COMPLETE NOTIFICATION:
Success Tax Map 1612, Lot# 7

2011-01601 NH DRED, SANDY YOUNG
PITTSBURG Unnamed Stream

COMPLETE NOTIFICATION:
Pittsburg Tax Map 1, Lot# 26

LAKES-SEASONAL DOCK NOTIF

2011-01644 DOUGLAS, MICHAEL
RINDGE Contoocook Lake

COMPLETE NOTIFICATION:
Rindge Tax Map 48 Lot# 79 Contoocook Lake

2011-01666 ALLEN, HOLLEY
SWANZEY Swanzey Lake

COMPLETE NOTIFICATION:
Swanzey Tax Map 44, Lot# 5 Swanzey Lake

ROADWAY MAINTENANCE NOTIF

2011-01627 SANDERS, CENANNE
CANTERBURY Unnamed Stream

COMPLETE NOTIFICATION:
Replace two CMP culverts, 15" x 30' & 24" x 20', with HDPE

2011-01628 DOVER, CITY OF
DOVER Unnamed Wetland

COMPLETE NOTIFICATION:
Replace an existing 24" x 42' culvert with headwalls

2011-01680 LYME, TOWN OF
LYME Unnamed Stream

COMPLETE NOTIFICATION:
Replace 3 failed culverts

PERMIT BY NOTIFICATION

2011-01568 GALLINA, STEVEN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-01624 SWEENEY JR, TERRANCE
MEREDITH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-01630 KELLEY, MARK/KATHLEEN
RANDOLPH Unnamed Wetland

Requested Action:

Disqualify Permit by Notification to dredge and fill 370 square feet of wetlands for the installation of a 36" culvert.

PBN DISQUALIFIED:

Disqualify Permit by Notification to dredge and fill 370 square feet of wetlands for the installation of a 36" culvert.

With Findings:

1. The Administrative Rules for PBNs changed in May of 2010 and they no longer cover new culvert crossings.
2. DES finds that the notification fails to demonstrate need, avoidance and minimization, or represent the least impacting alternative, pursuant to Rules Env-302.01(b) Env-Wt 302.03; or Env-Wt 302.04, as there is an existing driveway that provides access to the lot.

2011-01662 VERCAUTEREN, DONALD
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-01663 BRACKETT REVOCABLE TRUST, SUSAN B.
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Installation of a seasonal dock and anchor pad.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Installation of a seasonal dock and anchor pad.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.

2011-01668 RHODES, KATHERINE
LACONIA Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2011-01670 **RHODES, CATHERINE**
LACONIA **Lake Winnepesaukee**

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

CSPA PERMIT

2010-01522 **MERRILL, BRUCE**
DUNBARTON **Gorham Pond**

Requested Action:

Impact 256 sq ft for the construction of an 8 ft x 32 ft screened porch.

APPROVE PERMIT:

Impact 256 sq ft for the construction of an 8 ft x 32 ft screened porch.

With Conditions:

1. All work shall be in accordance with plans by Arthur Siciliano dated July 8, 2009, as received by the NH Department of Environmental Services (DES) on June 14, 2010.
2. No more than 35% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-01004 SINGUREANU, IOANA
WINDHAM Canobie Lake

Requested Action:

Impact 4,063 sq ft for the purpose of re-grading the existing driveway, installing a culvert within the existing driveway, installing a trench drain and associated stormwater infiltration and treatment, and constructing an enclosed staircase.

APPROVE PERMIT:

Impact 4,063 sq ft for the purpose of re-grading the existing driveway, installing a culvert within the existing driveway, installing a trench drain and associated stormwater infiltration and treatment, and constructing an enclosed staircase.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated June 14, 2011 and received by the NH Department of Environmental Services (DES) on July 6, 2011.
2. This permit does not authorize any work within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A. Any work within the Wetlands Bureau's jurisdiction will require a separate wetlands application and approval by the Bureau.
3. No more than 12.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This project shall not result in any impacts to existing unaltered area located within the Natural Woodland Buffer, beyond the primary building setback. Approximately 4110 sq ft of the Natural Woodland Buffer beyond the primary building setback shall remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01155 JACOBS, MARY CHRISTINE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

AMENDMENT DESCRIPTION: Impact 1,695 sq ft in order to replace in kind a 26ft x 36ft structure with a new foundation and install a sewer line from the garage to the existing septic tank.

Impact 1,695 sq ft in order remove garage and rebuild new garage in same footprint, repair foundation and install a sewer line from garage to existing septic tank.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Impact 1,695 sq ft in order to replace in kind a 26ft x 36ft structure with a new foundation and install a sewer line from the garage to the existing septic tank.

Impact 1,695 sq ft in order remove garage and rebuild new garage in same footprint, repair foundation and install a sewer line from garage to existing septic tank.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated May 11, 2011 and received by the NH Department of Environmental Services (DES) on May 23, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 34.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,300 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01156

WILSON, MARGARET/RICHARD

STRAFFORD Wild Goose Pond

Requested Action:

Impact 3,384 sq ft in order to renovate old camp to add a full foundation.

APPROVE PERMIT:

Impact 3,384 sq ft in order to renovate old camp to add a full foundation.

With Conditions:

1. All work shall be in accordance with plans by Bill Price Turfpro LMSC Inc. dated May 1, 2011 and received by the NH Department of Environmental Services (DES) on May 23, 2011.
2. No more than 17.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 1,500 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01372 NH DEPT OF TRANSPORTATION
BOW Turkey River

Requested Action:

Impact 123,882 sq ft for the reconstruction of three bridges and the widening of I-93 to add additional lane.

APPROVE PERMIT:

Impact 123,882 sq ft for the reconstruction of three bridges and the widening of I-93 to add additional lane.

With Conditions:

1. All work shall be in accordance with plans by McFarland Johnson dated December 20, 2010 and received by the NH Department of Environmental Services (DES) on June 13, 2011.
2. No more than 31.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. The proposed stormwater management plan shall be designed, installed, and maintained to effectively collect, retain, and infiltrate stormwater.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-01458 HODGKINS, PATRICIA
SALEM Shadow Lake

Requested Action:

Impact 120 sq ft in order to expand deck.

APPROVE PERMIT:

Impact 120 sq ft in order to expand deck.

With Conditions:

1. All work shall be in accordance with plans by Joe Olisky dated June 1, 2011 and received by the NH Department of Environmental Services (DES) on June 20, 2011.
2. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The proposed porch will not exceed beyond the 50 ft waterfront buffer.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or

contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01472 LINEBROOK INVESTMENTS INC
BROOKLINE Nissitissit River

Requested Action:

Impact 5,100 sq ft for the purpose of constructing a replacement septic system to service a restaurant.

APPROVE PERMIT:

Impact 5,100 sq ft for the purpose of constructing a replacement septic system to service a restaurant.

With Conditions:

1. All work shall be in accordance with plans by Farwell Engineering Services, LLC dated November 11, 2010 and received by the NH Department of Environmental Services (DES) on June 22, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 10.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 34,973 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01488 SANGALIS, GREGORY & JANE
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 636 sq ft for the purpose of constructing a 260 sq ft blue stone patio, a 3 ft x 58 ft blues stone access walkway, and the removal of 318 sq ft of gravel parking area to restored with vegetation.

APPROVE PERMIT:

Impact 636 sq ft for the purpose of constructing a 260 sq ft blue stone patio, a 3 ft x 58 ft blues stone access walkway, and the removal of 318 sq ft of gravel parking area to restored with vegetation.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants LLC dated June 3, 2011 and received by the NH Department of Environmental Services (DES) on June 23, 2011.
2. No more than 29.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

3. There shall be no impacts to areas currently existing in an unaltered state on the Property. At least 3340 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01493 MCMULLEN, MARGUERITE
CANTERBURY Lyford Pond

Requested Action:

Impact 8150 sq ft (2430 sq ft permanent impact) for the purpose of constructing a home, garage, parking area, and new septic system.

APPROVE PERMIT:

Impact 8150 sq ft (2430 sq ft permanent impact) for the purpose of constructing a home, garage, parking area, and new septic system.

With Conditions:

1. All work shall be in accordance with plans by Matthew Moore Civil Engineering, PLLC dated May 20, 2011 and received by the NH Department of Environmental Services (DES) on June 23, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.”
3. No more than 11.3% of the combined area of Lot 80 and Lot 81 within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 3875 sq ft of the Natural Woodland Buffer beyond the primary building setback on the combined area of Lot 80 and Lot 81 in an unaltered state. At least 2686 sq ft of the Natural Woodland Buffer beyond the primary building setback of the combined area of Lot 80 and Lot 81 must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-01522 CHOKEL, CHARLES
NEW CASTLE Little Harbor

Requested Action:

Retain 2,250 sq ft of temporary impacts associated with building an additional to an existing primary structure, relocating garage, and making stormwater management improvements on the property.

APPROVE AFTER THE FACT:

Retain 2,250 sq ft of temporary impacts associated with building an additional to an existing primary structure, relocating garage, and making stormwater management improvements on the property.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc dated June 16, 2011 and received by the NH Department of Environmental Services (DES) on June 27, 2011.
2. No more than 22.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. RSA 483-B:9 V (g)(1) as effective July 1, 2011 requires replanting within the waterfront buffer for each grid segment that does not meet the minimum tree, sapling, shrub and ground cover if the post-construction impervious surface area will be greater than 30%; therefore DES approves the proposal to increase the impervious surface area on the property by 120 sq ft (from 22.3% to 22.5%) without replanting.

2011-01549 PINARD, KENNETH/LOU ANN
STEWARTSTOWN Diamond Pond

Requested Action:

Impact 9,531 sq ft for the purpose of constructing a primary structure with deck, driveway, and temporary impacts associated with the construction of a new well and onsite septic system.

APPROVE PERMIT:

Impact 9,531 sq ft for the purpose of constructing a primary structure with deck, driveway, and temporary impacts associated with the construction of a new well and onsite septic system.

With Conditions:

1. All work shall be in accordance with plans by Schauer Environmental Consultants, LLC dated June 17, 2011 and received by the NH Department of Environmental Services (DES) on June 29, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. Any alteration to jurisdictional wetlands on the property will require a permit from the DES Wetlands Bureau. Specifically the docking structure will require a separate permit from the DES Wetlands Bureau.
4. No more than 10.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

5. The project as proposed will leave approximately 5,081 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,079.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2011-01550 VAILLANCOURT 2008 TRUST
NORTHWOOD Northwood Lake

Requested Action:

Impact 321 sq ft for the purpose of constructing retaining walls and a pervious patio.

APPROVE PERMIT:

Impact 321 sq ft for the purpose of constructing retaining walls and a pervious patio.

With Conditions:

1. All work shall be in accordance with plans by Stony Ridge Environmental LLC dated June 16, 2011 and received by the NH Department of Environmental Services (DES) on June 29, 2011.
2. No more than 28.% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All portions of the approximately 72 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state must remain unaltered in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01590 GREGG, NICOLE
PORTSMOUTH Pickering's Creek

APPROVE PERMIT:

Impact 1,160 sq ft in order to construct a new stone retaining wall, re-grade the yard, construct a gravel/flagstone walk, and Replace the gravel driveway with a pervious drive with associated retaining wall.

With Conditions:

1. All work shall be in accordance with plans by MSC Civil Engineers & Land Surveyors, Inc. dated July 1, 2011 and received by the NH Department of Environmental Services (DES) on July 5, 2011.
2. No more than 22.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01593 LUCEY, ANN/JOHN
BEDFORD Sebbins Pond

Requested Action:

Impact 152 sq ft in order to construct a 10 ft x 10 ft pressure treated deck on house.

APPROVE PERMIT:

Impact 152 sq ft in order to construct a 10 ft x 10 ft pressure treated deck on house.

With Conditions:

1. All work shall be in accordance with plans by Earl Fitzgerald Home Improvements dated July and received by the NH Department of Environmental Services (DES) on July 5, 2011.
2. No more than 10.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-01626 ROMANO, CHRISTINE/JOSEPH
STRAFFORD Wild Goose Pond

Requested Action:

Impact 7,384 sq ft in order to construct a two bedroom cottage with porch, gravity fed sewage disposal system, driveway and a deck located in the waterfront buffer.

APPROVE PERMIT:

Impact 7,384 sq ft in order to construct a two bedroom cottage with porch, gravity fed sewage disposal system, driveway and a deck located in the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by Joseph A. Romano dated July 1, 2011 and received by the NH Department of Environmental Services (DES) on July 8, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 14.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,914 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,914 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

2011-00826 CROSS, NORA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Approve name change to: Anthony Campbell & Norah Cross, 1 Good Speed Island Rd, Mattapoisett MA 02739 per request received 7/11/11. Previous owner: Norway Point Trust.

APPROVE NAME CHANGE:

Impact 7,800 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing a new septic system and stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by T.F. Bernier, Inc., received by the Department of Environmental Services ("DES") on April 20, 2011 and revised plans received by DES on May 17, 2011 and May 20, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 10.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A

has been obtained.

6. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
7. No impacts shall occur to natural ground covers within the waterfront buffer.
8. In order to remain compliant with RSA 483-B:9, V, (b), (2), there shall be no impacts to native vegetation or natural ground cover between 50 feet and 150 feet from the reference line.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wq 1406.18.

2011-01325 KEATING IV, JAMES
WAKEFIELD Lovell Lake

Requested Action:

Impact 3,000 sq ft for the purpose of redeveloping a site with a nonconforming primary structure.

APPROVE PERMIT:

Impact 3,000 sq ft for the purpose of redeveloping a site with a nonconforming primary structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Fogg Environmental Design dated December, 2010 and received by the Department of Environmental Services ("DES") on June 8, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 13.2% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. No impacts shall occur to natural ground covers within the waterfront buffer.

7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. In order to remain compliant with RSA 483-B:9, V, (b), (2), at least 2,988 sq ft of unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans received by DES must remain in an unaltered state.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.
17. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lovell Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to increase the setback of the primary structure from the reference line by 7 feet.
4. The applicant has proposed to install stormwater controls consisting of infiltration trenches and/or pits that will capture stormwater from the roof of the proposed structure.
5. The applicant has proposed to install stormwater controls and attain a greater setback from the reference line and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.